

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

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**IN RE GENETICALLY MODIFIED  
RICE LITIGATION**

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**4:06 MD 1811 CDP**

**ALL CASES**

**THE BAYER DEFENDANTS' OMNIBUS MOTION IN LIMINE**

The Bayer Defendants<sup>1</sup> hereby move this Court for an Order excluding evidence or argument concerning each of the matters identified below. The Bayer Defendants are filing a separate Memorandum in Support for each of the identified topics.

As set forth more fully in the memoranda in support of this motion, the Bayer Defendants request that the Court exclude evidence or argument concerning:

1. Aggregate compensation paid to any expert witness;
2. Cumulative testimony of plaintiffs' experts;
3. Defendants' liability insurance;
4. "Moral duties" or "business ethics";
5. Defendants' net worth, characterizations of LLRICE, and certain damage arguments;
6. Unrelated alleged wrongful acts;
7. Alleged wrongdoing by other corporations;
8. Other claims or litigation involving the Bayer Defendants;

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<sup>1</sup> For purposes of this motion, the Bayer Defendants are Bayer CropScience LP, Bayer CropScience Holding, Inc., Bayer CropScience LLC, Bayer CropScience Inc., Bayer Corporation, Bayer BioScience NV, Bayer CropScience AG, and Bayer AG. Bayer CropScience AG, Bayer BioScience NV, and Bayer AG join these motions reserving all jurisdictional objections. The use of this shorthand reference does not concede that any particular defendant was engaged in any particular activity.

9. The Bayer Defendants' out-of-state or foreign status;
10. Improper punitive damages evidence;
11. Subsequent remedial measures; and
12. The Starlink incident.

WHEREFORE, Defendants respectfully move this court to exclude evidence or argument concerning each of the matters set forth in this motion.

Dated: October 15, 2009

Respectfully submitted,

/s/Lester C. Houtz

Lester C. Houtz

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Lester C. Houtz